IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1485 of 2006 (S/S)

K.N. Pargain
S/o late Sri Ganesh Dutt
R/o Anand Niwas, Tallital,
District Nainital.

…… Petitioner

Versus

Senior Superintendent of Post Offices
Nainital Division, Nainital.

…….. Respondent

Mr. D.N. Sharma, Advocate instructed by M.S. Pal, Senior Advocate for the petitioner.
Mr. Arvind Aashistha, Asstt. Solicitor General for Union of India.

Hon'ble Prafulla C. Pant, J.

Heard Mr. D.N. Sharma, Advocate instructed by Mr. M.S. Pal, learned Senior Counsel for the petitioner and Mr. Arvind Vashistha, learned Asstt. Solicitor General for Union of India.

2) By means of this writ petition, moved under Article 226 of the Constitution of India, the petitioner has challenged the order dated 3rd October 2006 (copy Annexure 4 to the writ petition), whereby representation/ application of the petitioner has been rejected, after the same was considered in compliance of order 12.09.2006, passed by this Court in writ petition No. 488 (S/S) of 2006.

3) Brief facts of the case, as narrated in the writ petition, are that the petitioner, who is a Postman, and was transferred from District Nainital to Kashipur (District Udham Singh Nagar) challenged that impugned order of transfer dated 13.01.2006, through the writ petition No. 488 (S/S) of 2006, which was dismissed as withdrawn, by this Court, with liberty to the petitioner to file representation before the authority concerned. Before that and interim order appears to have been passed in the aforesaid writ petition, on 04.04.2006 by this Court, directing not to relieve the petitioner pursuant to the transfer order. It appears that before said order was passed, the petitioner has already been relieved by the authorities, form the post he held in District Nainital.

4) Learned counsel for the petitioner argued that the petitioner is a heart patient and at the fag end of his carrier he is being transferred and being put to harassment. Learned counsel for the petitioner further pointed out that petitioner's retirement is due on 28.02.2007.

5) Having heard learned counsel for the parties and after perusal of the impugned order, whereby the representation of the petitioner has been rejected for the reasons mentioned therein, this Court is not inclined to grant any relief sought by the petitioner, in the present writ petition.

6) For the reasons as discussed above, the writ petition is dismissed summarily with the observation that the petitioner, if moves any representation seeking voluntary retirement in

view of his ill health, the authorities concerned shall consider the same sympathetically and in accordance with law, within a period of one month, form date the representation is made. (Stay Application No. 14429 of 2006 also stands disposed of).

(Prafulla C. Pant, J.)

Dt.: November 29, 2006
H. Negi